

THE REGULAR MEETING OF THE NEW KENT COUNTY BOARD OF SUPERVISORS WAS HELD ON THE 13th DAY OF APRIL IN THE YEAR TWO THOUSAND FIFTEEN IN THE BOARDROOM OF THE COUNTY ADMINISTRATION BUILDING IN NEW KENT, VIRGINIA, AT 6:00 P.M.

IN RE: CALL TO ORDER

Chairman Tiller called the meeting to order.

IN RE: INVOCATION AND PLEDGE OF ALLEGIANCE

Mr. Tiller gave the invocation and led the Pledge of Allegiance.

IN RE: ROLL CALL

Thomas W. Evelyn	Absent
C. Thomas Tiller, Jr.	Present
James H. Burrell	Present
Ron Stiers	Present
W. R. Davis, Jr.	Present

All members with the exception of Mr. Evelyn were present.

IN RE: CONSENT AGENDA

1. Approval of Minutes
 - a. March 9, 2015 Business Meeting minutes
 - b. March 12, 2015 Budget Retreat minutes
 - c. March 25, 2015 Work Session Meeting minutes
2. Miscellaneous
 - a. Renewal of Lanexa Fire Station Lease
 - b. Change Order – Hopke & Associates, Inc., \$22,300.07
 - c. A Policy for the Naming of County Owned Properties, Facilities, Streets & Structures
 - ~~d. Approval of Federal Engineering proposal regarding the New Kent County Public Safety Radio System~~
3. Refunds
 - a. Crowder Construction Co., refund of mobile home installation permit fee and surcharge \$81.60
 - b. Woodfin Heating Inc., canceled permit, BP# 19847-2015, \$58.13
 - c. Ryan Homes, canceled permit, BP# 19440-2014, \$498.75
4. Supplemental Appropriations
 - a. Program income received for FY15 from CDBG Plum Point Grant Participants (March 2015), \$597.00
 - b. Donations for the Animal Shelter, \$418.00
 - c. Funds to Sheriff's Office for Security Detail for Feb. 14, 2015 Chocolate 5/10K Run, New Kent Winery (\$430.09), Dec. 13, 2014 Security Detail at Richfield, Inc. (\$233.96), and the Feb. 2015 Wrestling & Basketball Games for NKHS (\$888.11), \$1,552.16
 - d. Extension Program Sponsorship Revenue for Eastern Virginia Forage & Grazing Conference: First Bank & Trust Company (\$100), Poplar Springs Farm (\$16), Promise Land Pastures LLC (\$32), Cash (\$32), and Donation for 2015 Envirothon/Earth Day from CC-JC-NK-York Farm Bureau, Inc. (\$200), \$380.00
 - e. Gifts & Donations to New Kent Fire Rescue, Samaria Baptist Church (\$300) and Annemarie Johnson (\$700), \$1,000

- f. Sponsorship Facility Improvement Funds to P&R from Bay Rivers Buccaneers (\$270), 20 various contributors to the Wind Banner Sponsorship/Scholarship Program (\$4,600)
- g. Funds from VML Insurance for Damage and Expenses related to Sheriff's Vehicle #27 (\$3,505.46) and Payment for additional expense for Compressor (\$625), \$4,130.46
- h. Funds to Sheriff's Office Honor Guard – New Kent Womens Club, \$150.00
- i. Carry Forward Funds from FY14 to FY15 for Insurance Claim #13-12138 when an ambulance backed into a compressor at Station 1, \$4,920.00
- j. Funds from Vending Machine Sales for employee functions for the County (\$296.94) and to the Sheriff's Office (\$71.09), \$368.03

\$18,385.65 Total
\$(13,465.65) Total In/Out – General Fund (1)
\$(4,920.00) From General Fund – Fund Balance

- 5. Interdepartmental Budget Transfers
 - a. From Reserved for Contingency to Repairs & Maintenance, \$1,925.00
 - b. From Reserved for Contingency to Repairs & Maintenance Supplies, \$236.55
 - c. From Replacement Security Cameras to Security Doors, \$943.90
 - d. From Administration Building Roof Replacement to County Facility Rehab Projects, \$6,700.00
 - e. From Fire-Advanced Life Support Vehicle to Fire Trucks & Apparatus, \$11,000.00
- 6. Treasurer's Report: Cash as of February 2015, \$39,715,491.04

Mr. Burrell moved to approve the Consent Agenda and that it be made a part of the record. The members were polled:

Thomas W. Evelyn	Absent
James H. Burrell	Aye
Ron Stiers	Aye
W. R. Davis, Jr.	Aye
C. Thomas Tiller, Jr.	Aye

The motion carried.

IN RE: SMALL BUSINESS CLOSE UP

There was no Small Business Close Up for the month of April.

IN RE: INTRODUCTION OF NEW STAFF

Extension Agent John Allison thanked the Board for their ongoing support of the New Kent Cooperative Extension Office. He introduced Mr. Carl Frick, recently appointed 4-H Extension Agent for Youth Development for New Kent County. Mr. Frick thanked the Board for their time and indicated he was looking forward to working in the County and was pleased to report there were a number of 4-H clubs in the County and interest in these clubs was growing. He also reported 4-H Summer Camp was full with almost sixty New Kent youth campers and fourteen teen counselors; the largest number of any of the five counties with which New Kent would be camping.

Mr. Davis asked Mr. Frick to elaborate on 4-H Camp. He indicated even though the camp was close by and was a beautiful place, he did not believe many people knew about 4-H Camp. Mr. Frick reported New Kent campers would be attending camp at the Jamestown 4-H Center located on the James River. The camp, which would be open from the second week of June through the first week of August, would be staffed with approximately

fourteen college students, a director and a number of kitchen and maintenance staff members. Campers' daily schedules would begin at 7:00 a.m. and end with lights out at 11:00 p.m. Mr. Frick added that Summer Camp was an incredible experience as was seeing the transformation of kids as they would leave behind some typical technology devices and enjoy good, clean, safe fun. He invited Board members to visit the camp during New Kent's week which would be July 13th through the 17th.

Board members thanked Mr. Frick for the information and welcomed him to New Kent.

IN RE: NATIONAL COUNTY GOVERNMENT MONTH

Mr. Stiers read Resolution R-11-15 recognizing April 2015 as National County Government Month. This resolution had been approved by the Board as a part of its Consent Agenda on March 9, 2015.

IN RE: NATIONAL CRIME VICTIMS' RIGHTS WEEK

Mr. Burrell read a proclamation recognizing April 19th through 25th as National Crime Victims' Rights Week. This proclamation had been approved by the Board as a part of its Consent Agenda on March 9, 2015. Mr. Burrell presented a copy of the proclamation to Commonwealth's Attorney Linwood Gregory and Victim Witness Director Karen Mortensen.

Mr. Gregory thanked the Board for the opportunity to recognize this important week. He noted that crime statistics not only included the criminals but also the victims and support services should be provided to those victims. He indicated the New Kent Sheriff's Office was well trained in responding to crime victims and victims were treated with dignity and respect. He noted the Victim Witness Program was in place to ensure this treatment was carried forward throughout the court system, to help victims understand the process and keep them informed regarding the status of their respective cases.

Ms. Mortensen reported this year's theme for National Crime Victims' Rights Week would be "*Engaging Communities, Empowering Victims*" and the focus would be on the role communities play in providing victims with much needed support. She noted "*Engaging Communities, Empowering Victims*" would take resources, dedication and persistence to establish a welcoming, compassionate and supportive environment in which all victims were able to share their stories and receive support. Ms. Mortensen indicated Virginia was celebrating its twentieth year since the signing of a bill securing rights, protections and services for victims. Although much had been accomplished through the Victims' Rights Movement over the years, there was much more to be done to assure that all victims would feel comfortable enough to come out and receive the respect, recognition and support they deserve. She closed her remarks by thanking the Board for their support and for joining in the recognition of National Crime Victims' Rights Week.

Mr. Davis asked if there was any monetary help for victims. Ms. Mortensen indicated monetary assistance was available either through restitution paid by the defendants through the court process or the Virginia Victims' Fund, formerly known as the Criminal Injuries Compensation Fund. She noted Virginia Victims' Fund moneys were generated by fines imposed on prisoners and were provided to victims who may need assistance with medical bills, moving expenses or counseling. Mr. Davis asked how the funds were distributed, specifically if the funds remained in the localities where they were generated. Ms. Mortensen indicated the funds were shared state-wide and she encouraged all eligible victims to apply.

Mr. Tiller indicated his wife had been a victim of a crime in her workplace and had received support from the Victim Witness Program. He noted the program had helped her understand what was going to happen and it had meant a lot to her.

IN RE: VIRGINIA DEPARTMENT OF TRANSPORTATION –
RESIDENCY ADMINISTRATOR'S REPORT

Chad Baker, Maintenance Superintendent with the Virginia Department of Transportation (VDOT), reported on maintenance activities and construction projects on New Kent roads from the past thirty days as well as those planned for the next thirty days.

Mr. Baker reported VDOT had cleaned cross pipes under the train tracks along Route 60 in an effort to improve drainage. Additional cross pipes belonging to CSX needed to be cleared and a request for this had been made to Mr. Rex Carter, CSX Maintenance Superintendent.

Mr. Baker also noted plans were in place to continue utilizing inmate crews as much as possible for litter pick-up along primary routes and around transfer stations. Due to Department of Corrections' budget cuts, inmate forces were being reduced. As a result, Mr. Baker indicated additional assistance would be needed with litter pick-up on priority routes and would be completed prior to the start of the first mowing cycle.

Mr. Baker also reported work was planned on several I-64 bridges in New Kent County over the next several months. He indicated the work would impact both east and west bound lanes and most of the work would occur under the bridges. Various lane closures would be necessary to facilitate the work.

In regard to construction projects, Mr. Baker reported the Route 618 Bike Trail project had begun and excavating and filling along approximately 1,200 feet and placing of the stone sub-base along approximately 500 feet had been completed. Additional excavating, grading and placing of sub-base was planned to continue for the next two weeks. The Rt. 638 (Cosby Mill Road) project culvert replacement work continued to progress and included the removal of the headwall form, backfilling operations, cofferdam and stream diversion adjustments. The Route 249/Route 612 roundabout project was underway with Fastbreak General Contractors having been given notice to proceed on February 23rd. The contractor had mobilized and installed work zone signs the week of March 9th and the project was scheduled for completion in November 2015.

Mr. Davis indicated traffic had backed up on Route 273 (Farmers Drive) the previous Friday due to road repair work and he asked when this work would be completed. Mr. Baker indicated the work should be completed by April 17th. Mr. Davis indicated the work being done on the potholes was good but suggested signage should be placed at both ends of Farmers Drive to give drivers sufficient time to choose an alternate route before becoming caught in the traffic.

Mr. Burrell noted the list of projects for the next thirty days included several pothole repair projects. He asked Mr. Baker if these potholes were caused by the use of snow removal chemicals. Mr. Baker indicated a combination of rain, freezing, thawing and chemicals was to blame. Mr. Burrell also asked if plans for additional paving on I-64 East were still on track to which Mr. Baker indicated they were.

Mr. Stiers noted the Transportation Safety Commission had met the previous week and had gone over many of the items Mr. Baker had noted in his report. He asked for clarification on the bike path on Route 618 and asked if it would start at Route 60. Mr. Baker indicated he was not familiar with the project and would have to gather more information and get back to him. Mr. Stiers questioned why a bike trail would be built on Route 618 when a trail

had already been built on Route 155 for a distance of only 1,200 feet. He suggested the Route 618 funding should be used to extend the Route 155 project. He also suggested the Route 618 trail would "be another bike path to nowhere". County Administrator Rodney Hathaway indicated this was the first he had heard of this project and suggested this information may have been mistakenly included in New Kent's report. Mr. Baker again noted he was not familiar with this project and would have to get back to Mr. Hathaway.

Mr. Stiers reported he had requested that Rockahock Road be repaved for several years and had been told each time the work would be done the next year. He indicated it had been suggested the delay was due to the need to replace pipes under the roadway. He suggested funds to be spent on a "bike path to nowhere" should be used to replace the pipes and have the road repaved. He closed by thanking Mr. Baker for all VDOT was doing in the County.

(A report received from VDOT's Ashland Residency Administrator Bruce McNabb on April 14, 2015 indicated the Route 618 bike trail was actually being constructed in Charles City County and had mistakenly been included in New Kent's April report.)

Mr. Tiller expressed some concerns regarding I-64 and noted the on ramp at Exit 205 from Route 60 to west I-64 contained more potholes than smooth pavement and traveling on the shoulder was actually smoother. Mr. Tiller also thanked Mr. Baker for a directional sign installed on Route 60 and for taking care of cones at the intersection of Route 612 and Route 60.

Mr. Hathaway asked if there would be any weekend lane closures during the upcoming I-64 bridge work project. Mr. Baker indicated he believed most of the work would be scheduled in the evenings and on week days and noted he would confirm this.

IN RE: CITIZENS COMMENT PERIOD

Chairman Tiller opened the Citizens Comment Period.

Mr. Horace J. Baskette, Jr., a New Kent County resident, addressed the Board regarding the public safety radio system. He indicated he had been following the County's communications over recent months and noted that initially the County had considered joining with James City County and had recently decided to pursue a sole source, single site system. He stated that when a county decided to enter into the process to improve its communication system, it should look to make decisions that would result in the best use of county taxpayer's money. He suggested this was typically done by developing detailed specifications for what was needed and putting that information out for bid to get the best price. He expressed concerns this process had not been followed as well as concerns that the County may not be getting the best system for public safety at the best cost to the County. He indicated he recognized that a lot of effort had been given to going through the technical details necessary for an acquisition such as this. He suggested it would be in the County's best interest to put the specifications together, put the information out on the street, entertain several proposals and then select what made the most sense for the County. He suggested proposals should include improved coverage, increased capacity, life cycle support for the system and the best price for tax payers. He urged the County to take a look at the process as they moved forward.

IN RE: RAPPAHANNOCK COMMUNITY COLLEGE (RCC)

RCC President Dr. Elizabeth Crowther noted she was delighted to be able to address the Board and thanked them for the wonderful partnership RCC enjoyed with New Kent County and New Kent County Public Schools. She also expressed her thanks for the Board's

ongoing support of RCC's annual request for operating funds. She noted that glorious things were going on at Bridging Communities (Regional Career and Technical Center (BCRCTC)) and she thanked the Board for having appointed Ellen Davis as New Kent's representative to the RCC College Board. She noted Mrs. Davis brought good background and great guidance to the position and they were looking forward to continuing to work with her.

Dr. Crowther introduced Miss Cassandra Grammar, a 2014 New Kent graduate currently enrolled as a student at RCC. Miss Grammar indicated she was taking pre-requisite courses for the nursing program and she felt blessed to be a part of the RCC family. She noted RCC staff were very supportive and quick to answer any questions she had.

Dr. Crowther also introduced Vice President for Academic and Student Services Dr. Donna Alexander. She noted, with the completion of Dr. Alexander's new home, she was just days away from being an official resident of New Kent County.

Dr. Crowther reported there were many great things happening in the RCC/New Kent County Schools relationship including the BCRCTC, the Chesapeake Bay Governor's School and dual enrollment courses. She noted Dr. Alexander was very involved with many of these programs which were creating pathways for students in preparation for the after high school years. RCC was experiencing growth in New Kent with 110 residents enrolled in credit courses, 39 students enrolled in dual enrollment courses and 36 residents enrolled in non-credit workforce training programs for 2013-14. Service in New Kent County was up 20% from the previous fall and almost 41% in the past five years. She further noted RCC was looking for additional space to allow them to offer more evening services in New Kent and she was excited about discussing the possibilities.

She closed her comments by noting how much she enjoyed working with New Kent County and thanked the Board again for meeting RCC's annual operating request. She reminded the Board she had been coming to them for several years regarding future capital needs. She noted the original proposal for approximately five million dollars from the twelve counties served by RCC had first been introduced in the middle of one of the worst economic periods. She indicated plans had been scaled back and the most recent proposal was much more palatable. The number one project to be considered was the entrance road to the Glens Campus. Dr. Crowther indicated most individuals were not aware the Glens Campus was using the original construction entrance as its main entrance and the original planned entrance road had never been constructed. This had left the campus with its front entrance doors and flag poles in a location which appeared to be on the back of the building. She indicated this had become both a safety and congestion issue and she hoped the Board would be able to consider and give some attention to the capital request.

Dr. Crowther noted that in 1991 she and Deputy Board Clerk Wanda Watkins had been the IT Department at RCC, with Mrs. Watkins being about 80% of that. She indicated she was delighted to see Mrs. Watkins on the New Kent staff. She thanked the Board again for the opportunity to speak and thanked Miss Grammar and Dr. Alexander as well.

Mr. Davis asked for the age of the Glens Campus. Dr. Crowther indicated the Glens Campus was 45 years old and had been the first campus constructed with the Warsaw Campus being constructed the following year. She also reported the Glens Campus had undergone a transformational renovation about four years ago and she encouraged anyone who had not seen it to come over for a visit. She described some of the innovative and collaborative classroom settings being utilized and indicated she was hopeful to be able to provide more of these services here in New Kent.

Board members thanked Dr. Crowther, Dr. Alexander and Miss Grammar for their presentations. Mr. Stiers noted New Kent County was fortunate and blessed to have people like Miss Grammar in the community.

IN RE: PUBLIC HEARING – APPLICATION OA-01-15 – ORDINANCE O-04-15 -
SPECIAL PROVISIONS FOR OPEN SPACE OR CLUSTER SUBDIVISIONS

Before the Board for consideration was Ordinance O-04-15 recommending amendments to Section 91-127 of the New Kent County Code.

Planner Kyle Flanders provided an overview of the application which sought to amend certain requirements of the Cluster or Open Space Subdivision provisions. Mr. Flanders noted this was a state mandated subdivision for localities based on growth rate. He further noted this would allow for cluster development at a slightly higher density than allowed in the underlying zoning district. He indicated the trade-off for the higher density was half of the land to be developed would be put into open space. Amendments included allowing cluster subdivision to be used only in areas designated as "rural lands" by the Comprehensive Plan and not in any area within the R-1 zoning district. Residents of cluster subdivisions within a water or sewer service district as outlined by the Department of Utilities, would be required to connect to public water and/or sewer. Deed restrictions as well as a conservation easement would be required for keeping the open space. A minimum area of fifty acres would be required for cluster subdivision development which was a significant increase from the current 10 acre requirement. In addition, the proposed amendments would allow for the open space to be held by an entity other than the Home Owners Association (HOA). Mr. Flanders reported the Planning Commission held a public hearing on January 20, 2015, considered the application at its March 16, 2015 meeting and had voted 8:0:1 to forward a favorable recommendation to the Board.

Mr. Tiller asked for clarification regarding the heavier density previously mentioned. Mr. Flanders explained the formula used to determine density in the cluster subdivision and again noted half of the land would be held as open space.

County Administrator Rodney Hathaway noted minimum lot size in the A1 zoning district was 1.5 acres and lots this small were currently only allowed in family subdivisions. Current A1 zoning required a minimum of 15 acres for lots with road frontage and 25 acres for lots without road frontage. Current cluster subdivision ordinance required only ten acres and the recommended increase to fifty acres was a major change as well as the requirements that the land be zoned A1 and be designated as "rural lands" in the Comprehensive Plan. Mr. Hathaway also noted the proposed amendments would allow for cluster development in commercial districts but pointed out current commercial subdivision ordinance allowed such a small lot size, this change probably would not make much of a difference in that regard.

Mr. Burrell asked if land in the RPA (Resource Protection Area) could be included in the land to be set aside for open space. Mr. Flanders indicated that RPA land would be included in the open space.

Mr. Davis asked for confirmation that either a conservation easement or a deed restriction would be required. Mr. Flanders confirmed this to be true. Mr. Davis suggested a conservation easement was required to remain in place for a minimum of twenty years. He asked how a deed restriction would work and who would hold the restriction. County Attorney Michelle Gowdy noted in one similar subdivision currently in place for many years, the deed restriction was held by a private land owner who owned the open space but could not do anything in it other than what was allowed under the conservation easement. In another situation the deed restriction was held by the HOA and the deed restriction stated that it was subject to the conservation easement restrictions. Mr. Davis asked if the deed

restrictions would include a conservation easement requirement. Mrs. Gowdy indicated a conservation easement would be a part of the requirements of the deed restrictions.

Mr. Tiller asked if no HOA existed, would the developer hold the deed restrictions. Mrs. Gowdy noted the deed restrictions could be held by a private owner. Mr. Tiller asked if a subdivision could be required to have a HOA. Mrs. Gowdy and Mr. Hathaway both noted County Code required that some entity, most likely a HOA, be in place to maintain public recreation property or easements. Mr. Tiller indicated it was difficult for him to support the HOA part of the proposed ordinance.

Mr. Stiers noted Mr. Flanders had started his presentation by stating this was state-mandated and indicated he had not seen anything suggesting it to be state-mandated and asked if he had missed something. Mrs. Gowdy noted there was State Code which required localities with a certain amount of density and growth to have a cluster subdivision ordinance. Mr. Stiers asked if the State Code required ten or fifty acres. Mrs. Gowdy noted the required acreage was not stated and was left to the County's discretion.

Mr. Tiller opened the public hearing. There being no individuals wishing to address the Board, the Public Hearing was closed. Mr. Tiller asked the Board if there were any other comments or concerns.

Mr. Davis noted he had no concerns and indicated he felt having a larger tract of land would help. Mr. Burrell agreed. Mr. Stiers noted he felt the larger tract of land helped bigger developers but would not benefit the small developers. Mr. Davis asked if the Board wanted to benefit developers and if benefiting developers was what the Board was there for. Mr. Stiers indicated yes, if they wanted to develop their land into subdivisions. Mr. Hathaway noted the main purpose of having the cluster subdivisions ordinance in place was to preserve open space. Mr. Davis noted current County Ordinance allowed cluster subdivisions in A1 and the only real change was the requirement to have fifty acres.

Mr. Tiller expressed concerns that cluster subdivisions would have only a few lots and, as a result, the burden of a HOA would rest on a small group of people. He made reference to the Board's recent decision to allow a section of Patriots Landing to have private roads which would be maintained by a HOA. The HOA would be under the developer's control until two thirds of the lots were sold at which time the lot owners would take control.

Mr. Davis again noted the current cluster subdivision ordinance allowed for development in A1 zoned areas. He indicated the only real change he noticed was that the increased acreage requirement would result in more land being preserved. He asked for guidance if there was anything he was missing. Mr. Hathaway pointed out another significant change was that cluster subdivisions would only be developed in areas designated as "rural lands" in the County's Comprehensive Plan. Mr. Davis noted approximately two thirds of the County was currently designated as "rural lands". Mr. Hathaway agreed and noted these were the areas where the County was working to preserve open space.

Mr. Davis moved to adopt Ordinance O-04-15 in order to address, protect, and promote public convenience, necessity, general welfare and good zoning practices in the County and the health, safety, and general welfare of the citizens in the County. The members were polled:

James H. Burrell	Aye
Ron Stiers	Nay
W. R. Davis, Jr.	Aye
Thomas W. Evelyn	Absent
C. Thomas Tiller, Jr.	Nay

The motion failed for lack of a majority vote.

IN RE: PUBLIC HEARING – APPLICATION OA-02-15 – ORDINANCE O-05-15 –
AGRICULTURAL AND FORESTAL DISTRICTS (AFD) PROGRAM AND PROCESS

Before the Board for consideration was Ordinance O-05-15 recommending amendments to Article II, Chapter 62 of the New Kent County Code.

Environmental Planning Manager Matt Venable provided an overview of the application which sought to ensure that the New Kent County Code would be in accordance with the State Code regarding Agricultural and Forestal Districts. Mr. Venable noted changes to Section 62-34 included the addition of wording which stated “unless an additional appropriation is made by the Board of Supervisors” which would make it clear that the Agricultural and Forestal Districts Advisory Committee would not ask for and receive an additional appropriation if the amount originally appropriated was not sufficient. Part “b” in this section which stated that the Board of Supervisors could designate the Planning Commission to act for and in lieu of an Agricultural and Forestal Districts Advisory Committee was recommended for removal. Additional amendments for clarity were proposed to Sections 62-34 and 62-35. Proposed amendments to Section 62-39(c) included an application due date of March 1 which would allow greater flexibility for landowners and a requirement that the Board of Supervisors take action within 180 days of the due date. Mr. Venable reported the proposed amendments had been presented to the Planning Commission on January 20, 2015 and by an 8:0:1 vote, the Commission had voted to forward the amendments to the Board of Supervisors with a favorable recommendation.

Mr. Tiller opened the public hearing. There being no individuals wishing to address the Board, the Public Hearing was closed. Mr. Tiller asked the Board if there were any comments or concerns.

Mr. Davis asked for clarification to the references to additional appropriations suggested in Section 62-34. Mr. Venable indicated the referenced appropriations were to cover any fees or charges the Committee may incur such as fees for required advertising.

Mr. Burrell asked for clarification regarding Section 62-44(e) of the County Code which, in the case of the death of a property owner, allowed for the withdrawal of the property from the AFD. He noted this section did not make any reference to the paying of back taxes. County Attorney Michelle Gowdy indicated that State Tax Code would address the need to pay back taxes and because this was County Code dealing with the process, it should contain everything with the exception of the tax portion of the process.

Mr. Davis moved to adopt Ordinance O-05-15 in order to address, protect, and promote public convenience, necessity, general welfare and good zoning practices in the County and the health, safety, and general welfare of the citizens in the County. The members were polled:

Ron Stiers	Aye
W. R. Davis, Jr.	Aye
Thomas W. Evelyn	Absent
James H. Burrell	Aye
C. Thomas Tiller, Jr.	Aye

The motion carried.

IN RE: ELECTED OFFICIALS' REPORTS

Mr. Davis noted spring was here and he encouraged residents to make time to take advantage of every fish fry and 5K run and many other events available in the community. Mr. Tiller noted many of these events were sponsored by local civic clubs and also encouraged citizens to support these organizations.

Mr. Burrell reminded citizens the Envirothon would be held on Saturday, April 18th at the Historic School. He indicated although there had been some concerns regarding funding, the Richmond Regional Tourism Board was pleased to announce the bike race would go on as planned in September. He noted this would be an international event with over 400,000 participants and spectators expected and the economic spin off would be great.

Mr. Stiers reported that our Congressman Dave Brat had been in the County several weeks ago for a breakfast and had visited several of local businesses. He noted this was the third or fourth time Congressman Brat had visited the County since going to Washington, D.C. He added it was nice to know we had a representative who was visiting the County to talk with citizens and learn more about their concerns and let them know what he was doing.

Mr. Stiers also reported he had spoken to Mr. Worley regarding a tower lease and Mr. Worley had indicated he was unaware the fee had doubled and would go back and review the lease.

Mr. Stiers reported several citizens in the County had expressed concerns regarding their cable service and had indicated they had contacted Verizon who had told them they were not allowed to come into certain County subdivisions because of a County contract with the cable company. Mr. Stiers noted this information was false and County Attorney Michelle Gowdy had reviewed the contract and determined it was a contract for services and not a non-compete contract. He indicated he had requested information from our Verizon Government Affairs Representative and he had indicated he would provide an overlay of services in the County and the company's future plans which could be shared with citizens.

Mr. Davis noted he believed General Assembly action in 2006 had made the offering of various utility services open to any vendor and our existing contract included little more than providing the County with several channels over which it could broadcast information. Ms. Gowdy indicated the contract with the cable company would be up for renewal in December. Mr. Davis asked if the County received any funding from the cable company. Ms. Gowdy indicated she believed the County did receive some funding but would have to review the contract to be sure. Mr. Hathaway indicated the County was receiving a portion of fees charged to cable subscribers. Mr. Davis asked if we received similar funding from Verizon. Mr. Hathaway indicated he believed we did receive funding from Verizon but would have to look into it to be sure. Ms. Gowdy noted the County was currently assessing the infrastructure owned by these utilities and funds paid to the State Corporation Commission were being funneled back to the localities.

Mr. Stiers pointed out the County could not make Cox or Verizon go into any particular area and decisions on where to provide service were based on population density. Mr. Burrell noted that at one time the expected density had been twenty residences per mile.

Mr. Davis noted he had not heard any more from Dominion Virginia Power regarding moving some overhead electrical lines in the County to underground. He noted some of the power poles also carried phone and cable lines and Dominion had suggested they would be negotiating with those providers in an effort to move all lines underground.

Mr. Tiller echoed Mr. Stiers' comments regarding Dave Brat and reported he had the opportunity to also meet with the Congressman several weeks ago and he seemed genuinely concerned and interested in talking with County citizens and businesses owners.

IN RE: STAFF REPORTS – FEDERAL ENGINEERING

County Attorney Michelle Gowdy reported a proposal from Federal Engineering to monitor the radio project had been received earlier in the day. She noted they were proposing a "not to exceed" contract amount of \$125,000. She asked the Board for guidance in regard to negotiating and drafting a formal contract with Federal. She noted the "kick-off" meeting for the radio project was scheduled for April 21st and it would be important to have a Federal representative present as the County's technical expert. The general consensus was for staff to move forward with negotiating the contract.

IN RE: OTHER BUSINESS

There was none.

IN RE: DISTRICT APPOINTMENTS

There were none.

IN RE: CLOSED SESSION

Mr. Stiers moved to go into Closed Session pursuant to Section 2.2-3711A.1 of the Code of Virginia for discussion, appointment or resignation of specific public officers involving the County Attorney. Mr. Davis also moved to go into Closed Session pursuant to Section 2.2-3711A.3 of the Code of Virginia for discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the County involving Rappahannock Community College.

The members were polled:

W. R. Davis, Jr.	Aye
Thomas W. Evelyn	Absent
James H. Burrell	Aye
Ron Stiers	Aye
C. Thomas Tiller, Jr.	Aye

The motion carried. The Board went into closed session.

Mr. Davis moved to return to open session. The members were polled:

Thomas W. Evelyn	Absent
W. R. Davis, Jr.	Aye
James H. Burrell	Aye
Ron Stiers	Aye
C. Thomas Tiller, Jr.	Aye

The motion carried.

Mr. Burrell made the following certification:

Whereas, the New Kent County Board of Supervisors has convened in a closed session on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

Whereas, Section 2.2-3712 of the Code of Virginia requires a certification by the Board that such closed session was conducted in conformity with Virginia law;

Now there be it resolved that the Board hereby certifies that to the best of each member's knowledge (i) only public business matters lawfully exempted from open session requirements by Virginia law were discussed in closed session to which this certification resolution applies and (ii) only such public business matters as were identified in the motion convening the closed session were heard, discussed or considered by the Board.

The Chairman inquired whether there was any member who believed that there was a departure from the motion. Hearing none, the members were polled on the certification:

James H. Burrell	Aye
Ron Stiers	Aye
W. R. Davis, Jr.	Aye
Thomas W. Evelyn	Absent
C. Thomas Tiller, Jr.	Aye

The motion carried.

Mr. Stiers moved to accept the resignation of the County Attorney Michelle Gowdy effective April 30, 2015. The members were polled:

Ron Stiers	Aye
W. R. Davis, Jr.	Aye
Thomas W. Evelyn	Absent
James H. Burrell	Aye
C. Thomas Tiller, Jr.	Aye

The motion carried.

IN RE: ADJOURNMENT

Chairman Tiller announced the next regularly scheduled meeting of the Board of Supervisors would be held at 6:00 p.m. on Monday, May 11, 2015, and the next work session would be at 9:00 a.m. on Wednesday, April 29, 2015. Both meetings would be held in the Boardroom of the County Admin Building.

Mr. Burrell moved to adjourn the meeting. The members were polled:

W. R. Davis, Jr.	Aye
Thomas W. Evelyn	Absent
James H. Burrell	Aye
Ron Stiers	Aye
C. Thomas Tiller, Jr.	Aye

The motion carried. The meeting was adjourned at 8:04 p.m.